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Attorneys for Defendant, Counterclaim Plaintiff  
 and Third-Party Plaintiff Dexon Computer, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CISCO SYSTEMS, INC., a Delaware  
 corporation and CISCO TECHNOLOGY,  
 INC., a California corporation,

Plaintiffs,

v.

DEXON COMPUTER, INC., a Minnesota  
 corporation,

Defendant.

DEXON COMPUTER, INC., a Minnesota  
 corporation,

Counterclaim Plaintiff and  
 Defendant,

v.

Case No. 3:20-CV-4926-CRB

**DEFENDANT DEXON COMPUTER,  
 INC.'S RESPONSE TO PLAINTIFFS'  
 ADMINISTRATIVE MOTION FOR AN  
 ORDER SETTING A RULE 16  
 CONFERENCE**

Hon. Charles R. Breyer  
 Presiding Judge

Trial Date: None

1 CISCO SYSTEMS, INC., a Delaware  
2 corporation and CISCO TECHNOLOGY,  
3 INC., a California corporation,  
4  
5 Counterclaim Defendants and  
6 Plaintiffs.

5 DEXON COMPUTER, INC., a Minnesota  
6 corporation,

7 Third-Party Plaintiff,

8 v.

9 ATLANTIX GLOBAL SYSTEMS  
10 INTERNATIONAL, LLC, BIZCOM  
11 ELECTRONICS, INC., DIGI DEVICES  
12 ONLINE, ENTERPRISE BUSINESS  
13 TECHNOLOGIES, INC., FIBER CABLE  
14 CONNECTIONS, MJSI, MULTIMODE  
15 TECHNOLOGIES, LLC, NETWORK  
16 REPUBLIC, OPTIMUM DATA, INC.,  
17 PARAGON, PURE FUTURE  
18 TECHNOLOGY, INC., SEASTAR IT  
19 TRADING LLC, SERVER TECH SUPPLY,  
20 SOFTNETWORKS, INC., STRADA  
21 NETWORKS, LLC, STRATEGIC  
22 TELECOM SUPPLY & SOLUTIONS,  
23 TEKSAVERS, UNLIMITED NETWORK  
24 SOLUTIONS, and WISECOM  
25 TECHNOLOGIES,

26 Third-Party Defendants,  
27  
28

1 Defendant Dexon Computer, Inc. (“Dexon”) submits this response to Plaintiffs Cisco  
2 Systems, Inc. and Cisco Technology, Inc.’s (jointly “Cisco”) Rule 7-11 administrative request for a  
3 Rule 16 Initial Case Management Conference. (Dkt. 142.)

4 Dexon does not oppose Cisco’s request for a Rule 16 Initial Case Management Conference.  
5 Dexon does request that such conference be scheduled *after* the currently scheduled December 8,  
6 2022 video settlement conference. Such settlement conference was scheduled by the Honorable  
7 Judge Sallie Kim as a continuation of the parties’ October 18, 2022 court ordered settlement  
8 conference.

9 Allowing for the exhaustion of good faith settlement efforts prior to the commencement of  
10 discovery promotes the interest of judicial economy. Further, Dexon’s request is not intended to and  
11 will not promote any undue delay. The Court continued the settlement conference to December 8,  
12 2022 as a result of progress made by the parties on October 18th.

13 As outlined in Dexon’s Settlement Conference Statement, Dexon attempted to engage Cisco  
14 in discussions prior to the October 18, 2022 settlement conference concerning an acceptable  
15 framework for the parties to combat the mutual problem of counterfeit products. Such efforts were  
16 rejected by Cisco. However, Cisco did propose such a framework for the first time at the October  
17 18th settlement conference. Although unacceptable to Dexon, Cisco’s proposal did promote good  
18 faith negotiations. (In addition to being presented to Dexon for the first time on October 18th,  
19 Cisco’s proposal involved multiple components which both sides acknowledged would require  
20 further consideration and negotiation.)

21 Dexon’s intent is to take advantage of the scheduled December 8, 2022 settlement  
22 conference to further such negotiations and exhaust settlement efforts prior to commencing formal  
23 discovery. Dexon’s request is likely to result in little or no actual delay considering the Court’s  
24 schedule and the need for the parties to conduct a Rule 26(f) meeting and submit a Joint Rule 26(f)  
25 Report in advance of any Rule 16 Conference.

1           Lastly, contrary to Cisco's contention that discovery is necessary to achieve a settlement,  
2 the framework proposed by Cisco at the October 18th settlement conference involved disclosure of  
3 specific information by Dexon *post-settlement*.

4  
5 Dated: October 28, 2022

Respectfully submitted,

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